IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 13403 of 1995

Between:

M/s. Vijaya Commission Agent, Rep. Prop: Shri D.Venkat Reddy
S/o. Chandra Reddy, R/o. Badepalli,
Mahabubnagar.

..... PETITIONER

AND

1 Agriculture Market Committee, Rep. Chairman,
Badepalli.
2 Special Grade Secretary, Agriculture Market Committee,
Badepalli, Mahabubnagar District
3 The Director of Marketing,
Andhra Pradesh, Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of "Writ of Certiorari" calling for the records pertaining to the proceedings dated 22/11/1994 in No.AMCB/41/94-95/1012/1017 of the 1st respondent and as confirmed by the 3rd respondent in A.P. No.Rc I(A) 1080/94 dated 07/02/1995 and the same may be quashed and issue a direction to the authorities to renew the licence of M/s. Vijaya Commission Agent, Badepalli.

Counsel for the Petitioner: MR.A.NARASIMHA REDDY

Counsel for the Respondent Nos 1 and 2 : The Standing Counsel for Market Committee

Counsel for Respondent No.3: The G.P. for Agriculture

The Court made the following :

The petitioner herein challenges the proceedings of the 3rd respondent – Director of Marketing, Andhra Pradesh dated 7-2-1995 whereby the revision preferred by the petitioner, against the proceedings of the 1st respondent – Agriculture Market Committee cancelling the licence of the petitioner, is dismissed.

Petitioner is a licensed Commission Agent of the 1st respondent – Market Committee. On certain charges of contravention of Rule 54 and Bye-law 33 of A.P. Market Rules, 1969, a show cause notice dated 1-11-1994 was issued to him, not satisfied with his reply, his licence was suspended by order dated 15-11-1994 and finally his licence has been cancelled by the 1st respondent by proceedings dated 22-11-1994. Against the said proceedings, the petitioner preferred a revision before the 3rd respondent. After hearing the petitioner and the Special Grade secretary of the 1st respondent, the 3rd by proceedings dated 7-2-1995 dismissed the revision on the ground that the petitioner himself has admitted all the charges levelled against him. Assailing the proceedings the proceedings of the respondents 1 and 3, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent-Market Committee.

The learned counsel for the petitioner tried to convince that the petitioner has not committed any irregularity and in the alternative prayed for taking a lenient view against the petitioner.

As can be seen from the proceedings of the 3rd respondent dated 7-2-1995, the charges leveled against the petitioner viz., weighing of the paddy bags without the licensed weighmen, selling the paddy bags to other than the original tenderer and putting over weight to the original weight of the bags, are grave in nature. After considering the explanation of the petitioner to the show cause notice and giving opportunity of hearing only, the impugned proceedings were passed.

Taking into consideration the admissions made by the petitioner regarding the charges leveled against him, the 3rd respondent dismissed the revision filed by

the petitioner. Once the petitioner admits the charges of contravention of the Rules and Bye-laws of the A.P. Market Rules, I do not see any reason to interfere with the impugned proceedings and to take a lenient view as requested by the learned counsel for the petitioner.

There are no merits in the writ petition and it is, therefore, dismissed. No costs.

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28-9-2004

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